

## STATE OF DELAWARE

### DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

#### SOLID AND HAZARDOUS WASTE MANAGEMENT SECTION PROGRAM DESCRIPTION

## I. INTRODUCTION

### A. General Background

The State of Delaware was granted full authorization for the base hazardous waste program on December 14, 1983. Delaware's authorized program was codified on January 31, 1986. The State continues in its efforts to maintain primacy over its hazardous waste program by adopting regulations as required by Section 3006(b) and 40 CFR Part 271, Subpart A. By doing so, the State maintains a program that is consistent and equivalent with the intent of the Federal RCRA program.

### B. Purpose of Program Description

This Program Description is included as part of Delaware's Hazardous Waste Program Revision 7 Application and amends previously submitted Program Descriptions included in the Base Authorization and Authorization Revision Applications 1, 2, 3, and 4. The purpose of this amended Program Description is to further describe how the state of Delaware will implement its hazardous waste management program in light of the revisions described herein. Any information not in this Program Description remains the same as the Program Descriptions found in Revisions 1, 2, 3, and 4 applications. This amended Program Description contains HSWA and Non-HSWA elements from RCRA Clusters XIV, XV, XVI, and XVII (checklists 203, 206, 207, 209, 211, 214, and 215).

[Note: Delaware's Hazardous Waste Program Revisions 5 and 6 Applications included amendments which did not require revisions to the previously submitted program description.]

## II. PROGRAM SCOPE, STRUCTURE AND COVERAGE

On July 11, 1980 the Delaware Legislature approved House Bill No. 1018 (Laws of Delaware, Volume 62, Chapter 412). This action amended Title 7 Delaware Code, adding Chapter 63 entitled "The Hazardous Waste Management Act of 1980", relating to the regulation of hazardous waste. The Act imposed duties on the Department of Natural Resources and Environmental Control, prescribed penalties, and further provided for enforcement of the Act for the purpose of protecting human health and the environment of the State of Delaware. To carry out these duties, the Act required the State to establish a program of regulation over the generation, storage, transportation, treatment and disposal of hazardous waste within the State.

Delaware's Hazardous Waste Program contains the basic principles of RCRA to qualify for re-authorization and to maintain existing program authorization. This Revision 7 Application continues to demonstrate that the State program:

- Is *equivalent* with the Federal program as described in RCRA §3006;
- Does not impose any requirements that are *less stringent* than the Federal program as described in RCRA §3009;

- Is **consistent** with the Federal program and other State programs in accordance with RCRA §3006;
- Provides adequate enforcement in accordance with RCRA §3006.

#### **A. Equivalent/No Less Stringent**

Delaware is required to maintain a program that is equivalent to and no less stringent than the federal program. Delaware's hazardous waste management program is equivalent to and no less stringent in the following general categories of hazardous waste management activities:

- Classification of wastes as hazardous, via the provisions for identification and listing of hazardous waste. (7 Delaware Code, Chapter 63, §6305, DRGHW Part 261);
- Notification of hazardous waste management activities. (7 Del. Code §6304, DRGHW Parts 262, 263 and 265);
- Generation of hazardous waste. (7 Del. Code §6306, DRGHW Part 262);
- TSD facility construction and operation. (7 Del. Code §6307, DRGHW Parts 264 and 265).
- Permitting of TSD facilities. (7 Del. Code, §6307, DRGHW Parts 122 and 264); and
- Tracking of hazardous wastes from point of generation to final disposition via the manifest system. (7 Del. Code §6306, DRGHW Parts 262, 263, 264 and 265).

Delaware's program for hazardous waste management continues to meet the equivalent and no less stringent standards required by the Federal program by making routine revisions to Delaware's *Regulations Governing Hazardous Waste* (DRGHW). Previous revisions to Delaware's hazardous waste program were described and authorized in Authorization Revision Applications 1 through 6. Revisions occurring between 2004 and 2009 are included in this authorization revision application. Additionally, there were four (4) amendments made in 2016 in order to fully achieve authorization for regulations adopted through 2009. There are no imposed requirements of DRGHW that are less stringent than the Federal program. Revisions comprising this application include:

- Recycled Used Oil Management Standards
- Nonwastewaters from Dyes and Pigments
- Uniform Hazardous Waste Manifest Rule
- Universal Waste Rule: Specific Provisions for Mercury Containing Equipment
- Revision of Wastewater Treatment Exemptions
- Corrections for Errors in the CFR
- Cathode Ray Tubes Rule
- Various Delaware-implemented revisions

#### **B. Consistent Program**

In accordance with the provisions of 7 Del. Code, Chapter 63, the State developed and promulgated Delaware's *Regulations Governing Hazardous Waste* (DRGHW) by primarily adopting the Federal regulations verbatim. This practice ensures consistency with Federal 40 CFR Parts 124, 260 through 270, 273, and 279 and allows the regulated community to have direct comparison of the requirements between the State program and the Federal program. (Note: The designation for DRGHW Part 122 is analogous to 40 CFR Part 270.)



### **C. More Stringent Program**

The State has all the elements of the federal program. Differences in the State program have been previously identified in Revision Applications 1 through 6. This Revision 7 Application includes two checklists in which Delaware is more stringent than the federal regulations:

- Checklist 203 – Used Oil Management Standards – Delaware’s regulations do not allow CESQG’s to mix used oil with hazardous waste.
- Checklist 214 – Corrections to Errors in the CFR – Delaware is more stringent in LDR regulations, specifically DRGHW § 268.7(a)(1).

There are also a variety of Delaware-implemented regulations that make the program more stringent:

- Used oil storage – requires used oil containers to be closed
- Exception reporting for SQG’s

### **D. Broader in Scope**

The State has all the elements of the federal program. Differences in the State program have been previously described in Revision Applications 1 through 6. This Revision 7 Application includes one checklist in which Delaware is broader in scope than the federal regulations:

- Checklist 215 – Cathode Ray Tubes – while the federal regulations exempt cathode ray tubes from being a solid waste provided certain conditions are met, Delaware’s regulations only exempt them from being a hazardous waste.

### **E. Notice and Hearing in the Permit Process**

RCRA standards stipulate that no state permit program may be authorized unless it meets the requirements found in RCRA §7004(b)(2). This section of RCRA addresses the requirements for notices and hearings in the permitting process. Delaware complies with RCRA §7004(b)(2) by providing advance notice of its intent to take a permit action by publication of such notice in major and local newspapers in the State and by broadcasting the announcement over local radio stations. (See 7 Del. Code, Chapter 60 and Delaware’s *Regulations Governing Hazardous Waste*, Part 124.) Additionally, the State provides written notice to persons who have expressed interest by placing their name or organization on a correspondence listing and posting the notice on the Department’s website.

### **F. Adequate Enforcement**

The principal objectives of the program’s enforcement are to achieve a high degree of compliance, to consider overall Federal objectives (EPA’s Hazardous Waste Civil Enforcement Response Policy, December 2003), and to ensure case by case consistency within the framework of DNREC/DOJ enforcement authorities. 7 Del. Code, Chapters 60 and 63 provide the appropriate authority for all waste enforcement actions. Such enforcement actions include administrative orders, civil actions and criminal actions. The Department’s enforcement policies are set forth in the Compliance and Enforcement Response Guide (CERG), updated September 19, 2002, which can be found at: <http://www.dnrec.delaware.gov/Admin/Documents/DNREC-Compliance-Enforcement-Response-Guide.pdf>

Delaware also provides for public participation in the enforcement process by allowing intervention as a right in any civil or administrative action, as well as, citizen suits consistent with RCRA §7002.

## **G. Availability of Information**

The hazardous waste program provides for the public availability of information obtained by the program. Such information is available to the public in accordance with 7 Del. Code §6304(c) and the Freedom of Information Act regulations set forth in 29 Del. Code § 10001 et seq.. These regulations make information available in substantially the same manner, and to the same degree as RCRA §3006(f). Please refer to State procedures for a detailed explanation of Delaware's availability of information.

## **III. STATE AGENCY RESPONSIBILITIES**

The Department of Natural Resources and Environmental Control (DNREC) is the sole State agency responsible for hazardous waste management and is the agency responsible for administering the RCRA program in Delaware. The mission of the Department is “[t]o ensure the wise management, conservation, and enhancement of the State’s natural resources, protect public health and the environment, provide quality outdoor recreation, improve the quality of life and educate the public on historic, cultural, and natural resource use, requirements and issues.”

The Solid and Hazardous Waste Management Section (SHWMS) within the Division of Waste and Hazardous Substances (DWHS) has primary responsibility for carrying out the duties and responsibilities related to compliance monitoring and enforcement for treatment, storage and disposal facilities as well as generators and transporters of hazardous waste.

While adding new requirements for hazardous waste management via regulatory adoption and authorization, no new staffing has been added. In addition, no new funding sources were provided to carry out these additional requirements.

The division of responsibility between the State and EPA for administration of respective provisions of RCRA is described in detail in the Memorandum of Agreement (MOA). A copy of the MOA is included in this Application.

## **IV. STAFFING AND FUNDING**

### **A. Staffing**

Staff members within the Solid and Hazardous Waste Management Section, that are charged with the responsibilities of carrying out the duties of the authorized hazardous waste program, have the administrative expertise, technical background and experience necessary to effectively administer the hazardous waste management program described herein. Current staffing for the hazardous waste management program consists of 4 managers, 11 technical staff and 4 administrative support staff. (See Attachment 1 – Solid and Hazardous Waste Management Section Organizational Chart)

#### Managers:

*Program Administrator (PA)* - Number of FTEs - 0.5. The PA is responsible for management oversight of the Solid and Hazardous Waste Management Section. Responsibilities include planning, budgeting, coordinating and overseeing completion of the Section’s responsibilities, and general personnel management for the Section.



*Program Manager II (PMII)* – Number of FTEs – 0.5. The PM II is responsible for overseeing staff activities associated with solid and hazardous waste generators, transporters, transfer facilities, permitting of hazardous waste storage facilities, salvage yards, waste tracking, data management and generator compliance monitoring. In addition, the PMI oversees program development, aspects of regulatory adoption and hazardous waste program authorization.

*Program Manager I (PMI)* - Number of FTEs - 1.0. The Waste Facilities Branch and the Waste Reduction, Reuse, Recycling Branch are each supervised by a PMI.

The PMI for the Waste Facilities Branch is responsible for overseeing staff activities related to facility permitting, corrective action, facility closure and post closure activities, facility compliance monitoring and Interstate Technology and Regulatory Cooperation (ITRC).

The PM I for the Waste Reduction, Reuse, Recycling Branch is responsible for overseeing the sustainable materials management component of the Section's grant workplan overseen by EPA.

In addition, each PMI and PM II is responsible for planning, coordinating and overseeing completion of recommendations, and general personnel management of their respective group.

#### Technical:

*Environmental Scientist (ES)* - Number of FTEs – 4.2. Environmental Scientists are responsible for the scientific aspects of compliance monitoring, permitting, closure, corrective action and program development activities. Specific responsibilities include completion of compliance assessments, review of facility investigative work plans and reports, and development of statutes and regulations.

*Engineer* - Number of FTEs – 2. Engineers are responsible for the engineering aspects of compliance monitoring, permitting, closure, corrective action and program development activities. Specific activities include completion of compliance assessments, review and completion of facility permit applications and permits, remedial action work plans and reports, and development of statutes and regulations.

*Hydrologist (HYD)* - Number of FTEs - 1. The Hydrologists are responsible for the hydrogeologic aspects of compliance monitoring, permitting, closure, corrective action and program development activities. Specific activities include completion of facility compliance assessments, review of facility investigative work plans and reports, and development of statutes and regulations.

#### Administrative Support:

*Administrative Specialists (AS)* - Number of FTEs – 3.05. An ASI is assigned to the Waste Reduction/Reuse/Recycling Program Manager II and related technical staff for that group. This individual is responsible for completion of administrative and support activities as assigned.

The three remaining Administrative Specialists are assigned to the Generators/Transporters/Program Development Branch's Program Manager I, the Waste Facilities Branch's Program Manager I, the SHWMS' Program Administrator, and related group technical staff. These individuals are responsible for the completion of administrative and support activities as assigned. The Administrative Specialist assigned to the SHWMS' PA is responsible for preparing the annual grant, budgeting and other miscellaneous administrative duties.

## **B. Funding**

The State program and its associated work plan are funded in part through an EPA 3011 Grant. Via the grant, the State program receives \$3,160,000 total dollars based on a three year grant and budget cycle. Of that amount, \$2,370,000 comes from federal funds, with the remainder being state match. Federal funds included coverage of 9.95 positions while state match funds contribute to 2.10 positions for a total 12.05 FTEs.

The State will supplement its Corrective Action activities utilizing funds to secure contractual support, if necessary. The State will continue to use contractual support until vacant staffing positions are filled.

In future fiscal years, the Section will continue to depend on federal funds. In order to expand into new areas of responsibility, an increase in federal funds will be required. The SHWMS will continue to pursue fee and cost recovery options.

## **V. STATE PROCEDURES**

### **A. Permitting Procedures**

Treatment, Storage, or Disposal Facilities (TSD). 7 Del. Code and DRGHW require that all facilities treating, storing, or disposing of hazardous waste obtain a permit prior to the construction and operation of a waste management facility. Permitting requirements are essentially identical to the requirements of the Federal program. The State and EPA Region III work closely to coordinate permitting activities. The following is an overview of the hazardous waste program's permit process:

*Siting a New Unit.* Prior to permitting a new hazardous waste regulated unit or prior to making a Class 3 permit modification at an existing unit (with the exception of facilities providing enhancements to pollution control devices), the applicant must obtain approval for the location of the unit in accordance with the Delaware's *Regulations Governing the Siting of Hazardous Waste Treatment, Storage, and Disposal Facilities*. The applicant must submit a site suitability report that is reviewed by a committee appointed by the Department.

The State has developed a guidance document to assist applicants in the siting process.

*Initial Permit Application.* One (1) year before a facility's operating permit is expected to expire or the State anticipates making a permit decision for a newly regulated facility, the State will provide guidance to the facility and request submittal of a Part B application. Permitted facilities are required to submit the application six (6) months prior to expiration of the existing permit; newly regulated facilities are required to submit the Part B within six (6) months after receipt of the submittal request [See 40 CFR 270.10(e) & DRGHW, §122.10(e)].

To aid in obtaining a complete application, the State, EPA, and the facility may meet to discuss the scope of the application to review relevant guidance. This meeting commonly takes the form of an initial site visit.

*Completeness and Technical Review.* Upon receipt of the permit application, the State performs a completeness and technical review. In this review, the State identifies those provisions of the application for which the State has no enforceable regulation. The State informs EPA of these provisions and if appropriate provides EPA with a recommendation for consideration. Through cooperative coordination with EPA, a determination of completeness is made. In the event the application is determined to be incomplete, the State will issue a Notice of Deficiency (NOD). Unless special circumstances warrant, the NOD will require submission of additional information within thirty (30) days [See 40 CFR & DRGHW, §124.3(c)].



*Enforcement.* If the applicant fails or refuses to correct the deficiencies cited in the NOD, the State and EPA may jointly or severally deny the permit and take appropriate enforcement action.

*Draft Permit.* If the application is determined to be complete, the State will prepare a draft permit for public notice.

*EPA Review.* If the permit is jointly issued with EPA, the State will supply EPA a copy of the draft permit for review during the public comment period. If a permit is issued solely under State authority, the State will send EPA a courtesy copy in accordance with the procedures set forth in the grant workplan.

*Public Notice.* The State performs the distribution of the public notice. Distribution includes mailing a copy of the draft permit to the applicant and informing interested state and federal agencies, as well as the public, that a draft permit has been prepared and is available for review and comment. The period allowed for public comment is a minimum of forty-five (45) days. The State may also schedule a public hearing during the public comment period [See 40 CFR and DRGHW, §§124.10 and 124.12].

*Response to Comments.* Upon closure of the public comment period, the State considers all comments made during the public notice period in making a final permit determination. In response to the comments raised, the State prepares a response document reviewing the State's considerations and identifying changes to the draft permit, if any.

*Permit Determination.* The State determines the final conditions of the permit and then the permit determination is made. A signature page, delineating the State's enforceable authorities, is forwarded to the State's signature authorities. Following signature, the State's enforceable conditions become instituted upon the effective date.

*Permit Appeal.* The EPA and State appeal process proceeds independently in accordance with applicable state or federal regulations. Environmental permits issued by the State may be appealed before the Environmental Appeals Board (EAB) in accordance with the provisions of 7 Del. Code, Chapters 60 and 63, §§6007, 6008, 6009, and 6313. The EAB is a quasi-judicial review board that was created to hear appeals of decisions of the Secretary. The Board consists of seven Delaware residents, appointed by the Governor with the advice and consent of the Senate.

A request for an appeal before the Board must be submitted to the Secretary in written form and detail concisely the interest which has been substantially affected; an allegation that the decision is improper; and the reasons why the decision is improper. A deposit of \$50.00 must accompany the statement to defray any associated costs.

*Modifications to Permits.* Permit modifications are divided into three classes; Class 1, 2 and 3.

- Modifications within Classes 1 and 2 are those which do not substantially alter existing permit conditions in everyday facility operations. Class 3 modifications substantially alter a facility's operating practices.
- Class 1 modifications cover the correction of small errors in a permit, routine changes, or records. (Depending on the modification, Departmental approval may or may not be required). For those modifications not requiring Departmental approval, the permittee must notify the Department of the change and the necessity for such a change within seven (7) calendar days after the change is put into effect. The permittee must also notify persons on the facility mailing list within 90 days of making the modification. The facility mailing list is available from the Department. For those



Class 1 modifications requiring prior approval by the Secretary, the facility must notify the Department requesting approval. Once the Department has granted approval, the facility must proceed as above regarding notification.

- Class 2 permit modifications cover changes that are necessary to allow the facility to operate under the constraints of common variations in the types and quantities of waste managed, changes in technologies, or regulatory changes which can be implemented without substantially altering the design specifications or management practices set forth in the facility permit.

In order to make a Class 2 modification, the permittee is required to submit to the Department a request for modification that describes the changes to be made. The request must include supporting documentation and justification for the requested Class 2 change. The facility must also notify persons on the mailing list and publish a notice in a local newspaper announcing a 60 day public comment period. A public meeting must be held between Day 15 and 45 following the publication of the public notice. A copy of the permit modification request and supporting documents is made available for public inspection, usually through the Department. At the conclusion of the 60 day comment period, the Department has 30 days to make a final decision on the request. If deciding to approve the modification, a draft permit is then prepared. The draft permit is public noticed in accordance with DRGHW § 124.10 and 7 Del. C. § 6312 allowing for a 45 day comment period. A public hearing will be held if requested. The permit modification will then be issued or denied.

Within 90 days of receiving the Class 2 modification request the Department will either approve the request, with or without changes, or deny the request.

- Class 3 modifications are utilized to cover changes that significantly alter facility operations. The facility must submit a modification request to the Department identifying the change or changes to be made to the permit, explaining why the change is necessary and supporting the Class 3 modification. Facilities pursuing a Class 3 permit modification must also comply with applicable requirements of Delaware's *Regulations Governing the Location of Hazardous Waste Storage, Treatment and Disposal Facilities* prior to obtaining approval for a Class 3 permit modification (with the exception of those facilities enhancing pollution control equipment). The facility is encouraged to consult with the Department before submitting its request.

The facility must also notify persons on the mailing list and publish a notice in a local newspaper announcing a 60 day public comment period. A public meeting must be held between Day 15 and 45 following the publication of the public notice. A copy of the permit modification request and supporting documents is made available for public inspection, usually through the Department. At the conclusion of the 60 day comment period, the Department has 30 days to make a final decision on the request. If deciding to approve the modification, a draft permit is then prepared. The draft permit is public noticed in accordance with DRGHW § 124.10 and 7 Del. C. § 6312 allowing for a 45 day comment period. A public hearing will be held if requested. The permit modification will then be issued or denied.

## **B. Corrective Action**

The corrective action program applies to all owners/operators of hazardous waste facilities. Requirements for owners/operators of solid waste management units (SWMU) at permitted facilities are found in DRGHW, §264.101. The goal of Delaware's corrective action program is to ensure each facility achieves success in meeting the environmental indicators of "Human Exposures Under Control" and "Ground



Water Releases Under Control” as defined by the Environmental Protection Agency pursuant to the Government Performance and Results Act.

Facilities known to be subject to corrective action have been ranked by EPA Region III using the NCAPS ranking system. At newly discovered or newly regulated facilities, the SHWMS will use all of the available information regarding the site to determine if the environmental indicators established for the RCRA corrective action program have been achieved. If it is determined by the SHWMS that the environmental indicators for the program have been achieved, the SHWMS will give the site a lower priority and determine appropriate future actions on a site-by-site basis.

The corrective action process will be implemented in four phases. The four phases are RCRA Facility Assessment (RFA); RCRA Facility Investigation (RFI); Corrective Measures Study (CMS); and Corrective Measures Implementation (CMI). It is important to note that Stabilization Measures and/or Interim Measures (IM) will be used at any time in the process to achieve success in meeting the environmental indicators at a site. Each phase of the corrective action process contains a number of steps that vary in complexity depending on the extent and severity of releases identified at a hazardous waste facility. The goals of the corrective action process are to:

- identify SWMUs and collect information on contaminant releases;
- identify any need for further investigation; and
- determine the course and degree of any corrective action necessary to correct the release.

Corrective action is implemented at sites either through a permit or a Secretary’s Order. Based on the findings of these activities above, the SHWMS will specify clean up levels and points of compliance, choose a remedy to be implemented at the facility, and finalize a facility Clean Up Action Plan. To monitor the progress of the investigation and clean up, the SHWMS will require the facility to submit periodic progress reports. In addition, the SHWMS will conduct periodic site assessments to monitor continued compliance with the approved work plan to gauge compliance and remedy performance. Corrective action activities will be considered complete when the site specific clean up standards and the environmental indicators for the corrective action program have been met.

Additionally, EPA Regions 3 and 7 have recently taken steps to “lean” the RFI step in the corrective action process. The goal has been to remove redundant steps from the process in order to improve efficiency and decrease the amount of time required for site cleanups. The process has been named RCRA Facilities Investigation Remedy Selection Track (FIRST) and involves developing a Corrective Action Framework (CAF) in which goals and expectations are clearly identified prior to any work being completed. The SHWMS has embraced this new process and has begun implementing the recommended activities in order to improve efficiency.

### **C. Closure Procedures**

Each facility must have an approved closure plan which meets the regulatory requirements, including the closure performance standard outlined in DRGHW Parts 264 and 265, §§264.111 and 265.111, as applicable. The Department has prepared a Closure Plan Guideline document that outlines format, deliverables, and the administrative review process.

Permitted facilities have an approved closure plan as a portion of the issued permit. Permitted facilities must notify the Department at least 180 days before the expected commencement date of closure.

Facilities operating under interim status must notify and submit closure plans at least 180 days before their expected day of facility closure. The Department will either approve the submitted closure plan or

issue a Notice of Deficiency (NOD). The permittee has 30 days to correct the cited deficiencies. Should that response be unsatisfactory, the Department may modify the plan. This plan then becomes the approved closure plan.

Facilities are required to remove all hazardous waste from waste management units addressed in the plan within 90 days of approval of the facility's closure plan or receipt of the final volume of hazardous waste. The facility then has an additional 90 days to complete closure. Under certain conditions, the Department may issue an extension to the 180-day period.

#### **D. Post-Closure Procedures**

Each facility performing post-closure care on a regulated hazardous waste management unit must have an approved post-closure care plan. Post-closure care must begin upon closure of the unit and continue for a period of 30 years or until that time DNREC ceases the requirement, either shortening or extending the post-closure care period. The Department has developed a Guidance Document for Post-Closure Plan that outlines a format of the plan, deliverables, and the administrative review process.

In lieu of a post-closure permit, the Secretary may use an alternative enforceable mechanism such as an Administrative Order to impose post-closure care requirements at a regulated unit. When an alternative enforcement mechanism is used in lieu of a post-closure permit, the regulated units must still meet the same substantive requirements that apply to units receiving post-closure permits.

#### **E. Permitting Procedures - Transporters**

Seven Del. Code, Chapters 60 and 63, and DRGHW, Part 263 require all transporters of hazardous waste to obtain a permit from the Department. This requirement is broader in scope than the federal program and its implementation is funded through state resources.

The following is an overview of the permit process:

*Completeness Review.* When an application for a transporter permit is received, it is reviewed for administrative completeness and technical content. In the event that an application is determined to be deficient, a Notice of Deficiency (NOD) is issued. The applicant is required to correct the deficiencies or submit additional information within thirty (30) days.

*Public Notice.* Applications for transporter permits are placed on public notice for 15 days in accordance with 7 Del. Code §6004. A public hearing may be held on any application if a meritorious request for a hearing is received within the specified period as advertised in the public notice. The Department may also hold a public hearing if it has been determined to be in the best interest of the State.

*Permit Determination.* After the completeness review and public notice period, if an application successfully satisfies all requirements, a permit is issued.

*Enforcement.* If the applicant fails or refuses to correct deficiencies cited in a NOD, the State may deny the permit and take appropriate enforcement action.

*Appeal.* In the event a permit is denied, the applicant may appeal the denial in accordance with the provisions of 7 Del. Code, Chapter 60.

#### **F. Notification**



All hazardous waste generators (i.e., generators of greater than 100 kilograms of hazardous waste, or 1 kilogram of acute hazardous waste, in a calendar month) and owners/operators of hazardous waste treatment, storage and disposal facilities are required to notify the state of their hazardous waste activity. The regulated community must submit to the DNREC, SHWMS, notification of hazardous waste activities (pursuant to 7 Del. Code §§6306(a) and 6307(a) and DRGHW §§262.12, 263.11, 264.11 and 265.11, as applicable.)

Notifications are submitted on the current Notification of RCRA Subtitle C Activity (EPA Form 8700-12). Completed forms are submitted to the SHWMS, where each is stamped with the date of receipt. The forms are then reviewed for completeness. The generator is contacted for minor changes or clarifications as needed. In the case of a major correction or the necessity to incorporate missing information, the form is returned to the notifier.

Upon receipt of a satisfactorily completed notification form, the SHWMS enters the data within 30 days, but typically immediately, into the state's electronic notification application, which complies with EPA's Cross-Media Electronic Reporting Rule (CROMERR). The application generates a site specific identification number. Once generated, the information is translated electronically to RCRAInfo. The SHWMS then prepares and forwards to the notifier a verification of the issued identification number. The original notification form and the verification sent to the notifier are then incorporated into the Section's files.

The SHWMS also issues Provisional Identification numbers for one time emergency shipments of hazardous waste. A Provisional Identification number may be obtained by contacting the SHWMS by phone and providing information as to the generator, generator site, type and amount of waste generated, the Delaware permitted transporter to be utilized, and the name and location of the designated TSD facility. It is also necessary for the generator to complete a Notification of RCRA Subtitle C Activity Form (EPA Form 8700-12) and submit the completed form to the SHWMS within ten days of the issuance of the Provisional Identification number. Once the completed form is returned to the SHWMS, the form is incorporated into the SHWMS Provisional Identification number files.

In order to input RCRAInfo data pertaining to compliance assessments conducted at non-notifiers, including conditionally exempt small quantity generators who are not required by regulation to obtain an EPA Identification Number, the SHWMS has created a Non-Notifier Tracking Form. The form is completed by the appropriate SHWMS technical staff member following the compliance assessment and consists of basic information about the handler such as: name, address and contact information; does the facility handle hazardous waste; and what handler universe the facility should be placed in, i.e., non-generator or conditionally exempt small quantity generator. This information is entered into the state's electronic notification application to generate a unique EPA Identification Number, which is then translated into RCRAInfo. Once the number has been generated, the compliance assessment data can be entered into RCRAInfo. (See Attachment 2 - Non-Notifier Tracking Form)

[Note: The instructions and accompanying form can be found at:

[https://www.epa.gov/sites/production/files/2016-06/documents/site\\_id\\_frm\\_8700-12\\_exp2017\\_0.pdf](https://www.epa.gov/sites/production/files/2016-06/documents/site_id_frm_8700-12_exp2017_0.pdf)]

## **G. Manifest Procedures**

Delaware has adopted the EPA Uniform Hazardous Waste Manifest Form (EPA form 8700-22, Rev 3-05), which is used nationwide. The SHWMS receives approximately 100 copies of manifests daily. The manifest data is entered into the state's Manifest Tracking System, which allows staff to easily identify the use of incorrect EPA Identification Numbers, non-permitted transporters, or other errors. Personal contact is then initiated with the generator to amend these deficiencies. The data is also used to prepare for compliance assessments.

## **H. Annual Report Procedures**

DRGHW §262.41 requires large quantity generators (those generating greater than 1000 kilograms of hazardous waste or more than 1 kilogram of acutely hazardous waste per calendar month), including those who obtained a Provisional Identification number for a one-time shipment, and treatment, storage and disposal facilities to comply with an annual reporting requirement. Therefore, the requirements of DRGHW §262.41 are more stringent than the corresponding federal requirements.

The State uses EPA forms 8700-13 A/B for submittal of annual reports.

In late December of the reporting year, the SHWMS mails a copy of the report instructions and forms to each in-state large quantity generator and/or TSDF. Completed reports are due on or before March 1 of the following year. Upon receipt, either electronically or hard-copy, the SHWMS reviews each report for completeness and correctness. Incomplete or incorrectly completed forms are returned to the generator/TSDF. Failure to submit a completed report by March 1 will lead to the issuance of an enforcement letter.

The annual report data is collected and entered or translated into a state database. During EPA required biennial reporting years, the data is also translated to EPA's biennial reporting system. Having both the annual report and manifest data electronically affords the SHWMS the ability to electronically compare the collected annual report data with manifest data received by the State. The State retains in hard copy all submitted annual reporting forms, including maintaining in hard copy those which were initially submitted electronically.

## **I. Compliance Assessment Procedures**

Potential hazardous waste violations are identified via routine unannounced compliance assessments and through complaints following verification by the program. Compliance assessments are conducted by the SHWMS at large quantity generators (LQGs), small quantity generators (SQGs), conditionally exempt small quantity generators (CESQGs), non-notifiers, and TSD facilities on a routine basis in accordance with the commitments made in the Section's grant workplan. The compliance assessments are conducted following the procedures discussed below.

*Pre-Assessment Procedure.* Manifest Review: SHWMS staff responsible for the compliance assessment review the hazardous waste manifests in the DNREC files and database for the subject generator or facility. A compilation of all manifest data for a period covering three years is reviewed prior to the assessment. Any manifest discrepancies and detected inaccuracies are flagged. In addition, as part of the manifest review, waste shipments are compiled according to waste stream types, quantity, shipment dates and destinations.

From the manifest compilation and review, SHWMS staff determine the following:

- generator status - LQG, SQG or CESQG;
- hazardous waste shipments which raise concern or questions;
- wastes shipped off in bulk rather than in containers. This indicates the generator may have an accumulation tank;
- those shipments of hazardous waste which the generator has exported;



- those shipments of hazardous waste taking longer than 45 days to arrive at a designated facility and for which the Department has not received an exception report;
- those waste streams that are shipped out less frequently than every 90 days (for LQG) or less frequently than 180 days (for SQG);
- those waste streams which appear to have ceased and those which appear to have started and the differences in waste codes;
- shipments of hazardous waste which appear to have been generated by spills resulting in contaminated soils or absorbent materials;
- differences in the generator's waste description and the description by the receiving designated facility as recorded in the discrepancy indication space; and

*Annual Report Review.* For large quantity generators (LQG), the SHWMS staff member conducts a detailed review of the most recent annual report and determines the following:

- completeness of annual report submitted by generator;
- differences in the amounts shown on the manifests and annual reports;
- potential for Subpart CC related waste streams.

*Permit Review.* For generators which are also permitted or interim status TSDs, SHWMS staff review the permit or permit application (for interim status facilities) and updated financial assurance submissions and determine the following:

- types and numbers of permitted units;
- types of wastes which are permitted for those units;
- financial assurance inadequacies regarding closure or post-closure care.

*State Files.* For any generator, SHWMS staff review past compliance assessment checklists, past compliance assessment reports, and past enforcement actions. Files associated with other regulatory programs can also be reviewed to identify potential waste streams from pollution control equipment. Also reviewed are data from Hazardous Chemical Inventory Reports (Tier I, Tier II) and Toxics Release Inventory Reports. For sites discharging to publicly owned treatment works (POTWs) or holding permits under the National Pollutant Discharge Elimination System program, these permits and any accompanying file data are reviewed.

From this information, SHWMS staff determine the following:

- origins of the various waste streams;
- what safety and technical equipment may be necessary to conduct the inspection;
- violation history.

*On-site Record Review.* SHWMS staff will request the site representative explain the manufacturing or other on-site waste generating processes and describe the safety equipment required while on the site premises. Details are sought regarding the potential generation of hazardous waste from any of the following: solids build-ups in closed loop systems, unconverted reactants, contaminant solutes in phase separations, spent filter mediums, and any other solid wastes generated at the site.

For all generators, manifests and land disposal restriction notifications are reviewed to ensure compliance with Part 268 requirements. SHWMS staff obtains copies of TSD signed manifests and exception reports that may be missing from DNREC files. For LQGs with annual reports showing wastes not appearing on manifests in the DNREC files, SHWMS staff obtain copies of those missing manifests. For wastes shown

on manifests in the DNREC files but not on the annual report, an understanding is reached as to how the annual report should be amended. For SQGs, LQGs, and TSDs, training and inspection records are reviewed on-site. A copy of the contingency plan is either reviewed on-site or a copy obtained for a post-inspection review. For TSDs, copies of financial assurance documents, if they supersede documents previously reviewed, are obtained for post-assessment review. If manifests or the annual report demonstrate the generator exports hazardous wastes, copies of documentation related to those shipments are also obtained for post-inspection review. If there is a hazardous waste accumulation tank, copies of the documentation required by Part 265, Subpart J are obtained for post-assessment review. Records related to the air emission standards set forth in Parts 264 and 265, Subparts AA, BB, and CC, as applicable, are also reviewed.

From review of on-site records, SHWMS staff determines:

- processes which might generate hazardous waste but do not appear on manifests or annual reports;
- all hazardous waste accumulation tanks;
- proper safety equipment for the outside inspection;
- inadequate annual reports and missing land disposal restriction notifications.
- compliance with recordkeeping requirements for EPA notifications of intent to import/export hazardous waste;
- compliance with hazardous waste determination requirements;
- compliance with land disposal restrictions requirements, including identifying discrepancies between the waste description on the manifest and LDR form;
- waste streams subject to air emission standards.

*Walk-through Assessment.* SHWMS staff are accompanied by site personnel on a walk-through of the process areas. Particular attention is given to those areas or processes which might generate solid wastes that are additionally hazardous waste, but do not appear on the manifests or annual report. Manifests sometimes reveal that waste streams are shipped out less frequently than the time allowed for on-site accumulation. While at the process which generates such a waste stream, SHWMS staff determine if waste generation is continuous and therefore the time allowed on site is exceeded, or if occasional, the time allowed is not exceeded. During the walk-through, SHWMS staff also confirm any spill sites that may have generated manifested off site shipments of hazardous waste and ensure appropriate remediation has occurred or is occurring.

While at hazardous waste accumulation areas or permitted units, compliance assessment checklists are completed. For TSDs, permit conditions specific to the unit such as allowable waste codes and allowable amounts are checked. There are separate generator checklists for LQG's, SQG's, CESQG's, satellite accumulation areas, tanks (Subpart J), used oil, universal waste, and air emissions standards.

*Post-Assessment Office Review.* SHWMS staff conducts reviews of all documentation obtained during the assessment to determine compliance with appropriate requirements.

*Compliance Assessment Report.* SHWMS staff then prepare a compliance assessment report detailing observations made during the assessment, identify any violations incurred, and detail any corrective actions taken by the site. Included with this report are completed checklists and in the event violations are identified, a recommendation for enforcement.



*Ground Water Assessments.* CME and OAM assessments are conducted to evaluate the adequacy of ground water monitoring systems used at land disposal facilities. During these assessment, post-closure care requirements are reviewed, the results of which are detailed in a post-closure care assessment report.

- The CME assessment determines adequate design and operation of GW monitoring systems to detect releases and to define the rate and extent of contaminant migration from a regulated unit.
- The OAM assessment is conducted to determine how ground water monitoring systems are being operated and maintained. The OAM assessments will be conducted at a minimum of every three years.

## **J. Enforcement Procedures**

The Department's enforcement process begins with compliance monitoring (identification of violations), classification of definitive violations and non-compliance, followed by the issuance of an appropriate enforcement action. The State takes timely and appropriate enforcement actions as defined in accordance with EPA's Hazardous Waste Civil Enforcement Response Policy (ERP), December 2003 against all persons in violation of generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other program requirements.

*Classification of Violations and Non-Compliance.* Violations identified during investigations are classified by seriousness of the offense and previous site history.

Delaware follows the guidelines contained in the ERP by classifying violations of the hazardous waste program into two categories. The first category, Significant Non-Compliers (SNCs), are those facilities which have caused actual exposure or a substantial likelihood of exposure to hazardous waste or hazardous waste constituents; are chronic or recalcitrant violators; or deviate substantially from the terms of a permit, order, agreement or from statutory or regulatory requirements.

The second category, Secondary Violators (SVs), are those violators that fail to meet the criteria of a SNC. These are typically first time violators or violators that do not pose any actual threat to the environment or have a low potential threat of exposure to hazardous waste or constituents. A facility classified as a SV would not have a history of recalcitrant or non-compliant conduct.

*Appropriate Actions.* Upon identification and classification of violations and non-compliance, the level of enforcement is chosen. SNCs are subject to formal enforcement actions, whereas SVs are subject to informal actions. The various levels of enforcement include the following:

- |                          |   |
|--------------------------|---|
| a) Notice of Deficiency  | [7 <u>Del. C.</u> §6309(a)(1)];                 |
| b) Letter of Warning     | [7 <u>Del. C.</u> §6309(a)(1)];                 |
| c) Notice of Violation   | [7 <u>Del. C.</u> §6309(a)(1)];                 |
| d) Secretary's Order     | [7 <u>Del. C.</u> §6309(a)(1) and §6005(b)(3)]; |
| e) Civil Action          | [7 <u>Del. C.</u> §6309(b)];                    |
| f) Criminal Action       | [7 <u>Del. C.</u> §6309(f)];                    |
| g) Imminent Hazard Order | [7 <u>Del. C.</u> §6308].                       |

Typically, the SHWMS issues enforcement levels (a) through (c). The SHWMS may seek to issue formal enforcement action in the form of a Secretary's Order by submitting a case to the Department's Enforcement Panel, as identified in the Department's *Compliance and Enforcement Response Guide (CERG)*. A package must be submitted to the panel, including the violations, the severity of the violations, the potential environmental harm, possible defenses, and the recommended penalty. The Enforcement Panel then votes on whether or not to recommend moving forward with a penalty and

Secretary's Order. Ultimately, the Secretary has final discretion on whether to issue a formal enforcement action. Civil actions are referred directly to the Attorney General's Office for a temporary restraining action, or preliminary or permanent injunction. Criminal actions are investigated by the Department's Environmental Crimes Unit and prosecuted by the Environmental Crimes Unit's officers and the Delaware's Department of Justice.

Delaware has provided, through 7 Del. Code §6309, a review process for any decision or action (including enforcement actions and statutory/regulatory changes) taken by the Secretary that substantially affect any member of the regulated community. The review process allows an appeal by the appellant to the Environmental Appeals Board (EAB) on any decision or action taken by the Secretary. This includes any duly promulgated regulation or enforcement action. The appellant may then appeal to the Superior Court within 30 days of the EAB decision.

#### **K. Availability of Information Procedures**

*Disclosure of Information.* The State's Freedom of Information Act procedures can be found at 29 Del. Code § 10001 et seq. Requests for records which are of general public interest are available to the public unless the records are exempt from disclosure. Examples of a general public document include:

- Delaware's *Regulations Governing Hazardous Waste*;
- documents which are on public notice;
- Press Releases;
- listings of State identified hazardous waste generators, transporters, TSD facilities;
- pamphlets and educational materials.

All requests for information not listed above must be made in writing. Upon receipt, the Section's FOIA coordinator (one of the Administrative Specialists) processes the written request. Typical requests would include review of an entire or portion of a generator, transporter or TSD file.

*Confidential Business Information (CBI).* 29 Del. Code §10002 provides an exemption for confidential business information. The procedures set forth in 8 *DE Admin. Code* 900, *Policies and Procedures Regarding FOIA Requests* must be followed in order to claim CBI. Claims of business confidentiality (CBI) must be asserted by a person claiming confidentiality, or the State may release the information without further notice to the person. Upon submission of a written CBI claim, the SHWMS paralegal reviews the validity of the claim using criteria set forth in 8 *DE Admin. Code* 900, *Policies and Procedures Regarding FOIA Requests*. A valid claim is properly designated with a confidential stamp and filed in a confidential file. The confidential file is only accessible to employees of the Division of Waste and Hazardous Substances. (Note: All employees of the Division are advised of the CBI procedures upon starting employment with the Division.)

#### **L. Variance, Waivers, and Delisting Procedures.**

##### *Petitions for Delisting:*

Pursuant to DRGHW §260.22, a person may petition the Secretary to delist a hazardous waste. Following is an overview of delisting procedures.

1. Those interested in submitting a petition to delist a hazardous waste are afforded the opportunity to meet with representatives of the Department to discuss petition applicability, procedural and technical requirements.



2. Upon application to the Secretary, the State performs a completeness review to determine the adequacy of the petition, including submission of documentation appropriate to support claims that the waste is eligible for delisting. In the event the petition does not contain the information necessary to support the delisting, the petition is returned to the petitioner.
3. Upon receipt of a complete application, the State conducts a technical evaluation to determine if submitted documentation adequately demonstrates the petitioner's claim for delisting. The waste is not to contain chemical constituents or hazardous waste characteristics that would cause the waste to be hazardous or present a threat to human health and the environment if the petition is granted.
4. The Secretary will make a tentative decision to grant or deny the petition. The tentative decision is public noticed.
5. The public may request a hearing. When requested, a hearing is scheduled and public notice of the hearing made in accordance with 7 Del. C. §6312.
6. After weighing public hearing testimony, if any, the Secretary makes a final decision for granting or denying the petition. A copy of the final decision is immediately forwarded to EPA Region III.
7. The Secretary's final decision is sent to the applicant and any person affected by the decision, including those who have provided written or oral comment.
8. The Secretary's final decision for any petition may be appealed in accordance with 7 Del. C. §6313.

*Variances:*

The following procedures apply for the evaluation of a requested emergency and non-emergency variance provided for in DRGHW.

1. Upon application to the Secretary for any emergency or non-emergency variance, the State performs a completeness review to ensure submission of documentation supporting each of the variance elements provided for by statute and regulation. In the event submitted information is incomplete, the application is returned to the requester.
2. Upon receipt of a complete application, a copy is sent to the Department of Justice (DOJ) for review. Concurrently, a technical evaluation is made to determine the appropriateness of the request and if submitted documentation offers adequate justification and support of the variance elements.
3. Technical staff meet with DOJ representatives to discuss the merits of the request. When evaluating a request, the State ensures that approval of the request will maintain equivalence with the federal program.
4. For an emergency variance, the Secretary makes a decision to grant or deny the request. The decision is effective immediately. A granted emergency variance is public noticed, and a copy of the granted emergency variance immediately forwarded to EPA Region III. For a non-emergency variance, the Secretary makes a tentative decision to grant or deny the request.

5. In the event the variance or emergency variance is denied, the Secretary notifies the requesting party. The Secretary's denial may be appealed in accordance with 7 Del. C. §6313.
6. For a non-emergency variance where the Secretary has made a tentative decision to approve the request, public notice is made. The public may request a hearing. When requested, a hearing is scheduled and public notice of the hearing made in accordance with 7 Del. C. §6312.
7. Before making a final ruling on a non-emergency variance, the Secretary will weigh public hearing testimony, if any, and make a final decision to grant or deny the variance. A copy of the granted non-emergency variance is immediately forwarded to EPA Region III.
8. The Secretary's final decision for any non-emergency variance is sent to the requesting party and any person affected by the decision, including those who have provided written or oral comment.
9. The Secretary's final decision for any emergency or non-emergency variance may be appealed.

## **VI. IMPACTS OF REVISIONS**

### **A. Newly Regulated Handlers**

No newly regulated handlers have been added to the state's program as a result of revisions in this package.

The State continues to update its hazardous waste management program in order to remain equivalent, and no less stringent, with the Federal program with yearly revisions to DRGHW. To ensure that staff members are adequately trained to meet the needs of new program requirements, the SHWMS participates in training when offered by EPA as well as in-house training when available.

The Generator/Transporter/Program Development Branch continues to identify new handlers through targeting businesses suspected of generating hazardous waste, referrals from other State agencies, citizen complaints, or discovery by SHWMS staff during routine compliance assessments. Compliance assessment priorities are negotiated yearly in the Annual Work Plan. Currently there are no commercial TSDFs operating in the state.

### **B. Data Management**

The SHWMS uses three computerized databases related to hazardous waste generation and management.

*RCRAInfo.* On May 24, 1991, the State of Delaware was placed into full production for the RCRA Information System (RCRIS). Delaware was the first state in Region III to accomplish full implementation. Delaware transitioned to the new RCRAInfo data management system in 2000. A new RCRAInfo Memorandum of Understanding (MOU) between the State and EPA was signed on 4/19/01.

The State tracks generator compliance, monitoring, enforcement and TSD permitting activities through the RCRAInfo database. Use of the RCRAInfo database occurs through the RCRAInfo MOU which will be reviewed at least once a year during preparation of the annual State work plan in accordance with the Memorandum of Agreement (MOA). Data elements and database responsibilities and procedures are defined through the RCRAInfo Implementor of Record (IOR).



*Manifest Tracking System.* All manifest data is entered into a computerized manifest tracking system, originally developed in 1987 and thoroughly upgraded in 1995, 2000, and again in 2013. The system is designed to QA/QC manifest information and compile generation reports.

*CROMERR – Notifications and Annual Report/Biennial Report System (BRS).* With the receipt of the 1989 Annual Report information, Delaware began usage of the EPA designed BRS computer software. In 1995, with revision in 2000, the SHWMS developed, in conjunction with the MTS, an Annual Report/Biennial Report database. Since then, the SHWMS has developed an annual report database that complies with EPA's Cross Media Reporting Requirements (CROMERR), allowing for the electronic submittal of annual reports to the SHWMS. This database is used to translate both handler and annual report information to RCRAInfo. Delaware also allows generators to submit paper forms, which are data-entered into the system or allows annual reports to be submitted via the Florida BRS software.

## VII. ESTIMATED REGULATED ACTIVITIES

ACTIVITY TYPE	<u>NUMBER OF HANDLERS*</u> Year 2001**	<u>NUMBER OF HANDLERS*</u> Year 2016****
Total Generators	1249	1392
CESQG	572	909
SQG	572	395
LQG	105	88
Total TSDFs	10	1***
Interim Status	2	-
Corrective Action Facilities	-	13
Transporters	71	134

\* Number of handlers in RCRAInfo

\*\* As of November 3, 2001

\*\*\* Currently, there are no permitted commercial treatment, storage and/or disposal facilities operating in the State.

\*\*\*\* As of August 2, 2016

There have been no substantial increases in the generator universe based on changes covered in this Revision 7 Application. Changes that have occurred are the result of new handlers to the program and not because of the addition of new program requirements.

Estimated quantities of non-wastewater and non-remediation hazardous waste managed in Delaware, based on the most recent data compiled from the 2015 Annual Report, are:

- 12,577 tons generated within the State;
- 2.23 tons transported into the State;
- 12,185 tons transported out of the State;
- 319 tons managed within the State;
- 92 tons managed off-site within the State.

Quantities indicated do not include waste generated by Small Quantity and Conditionally Exempt handlers or wastewaters.



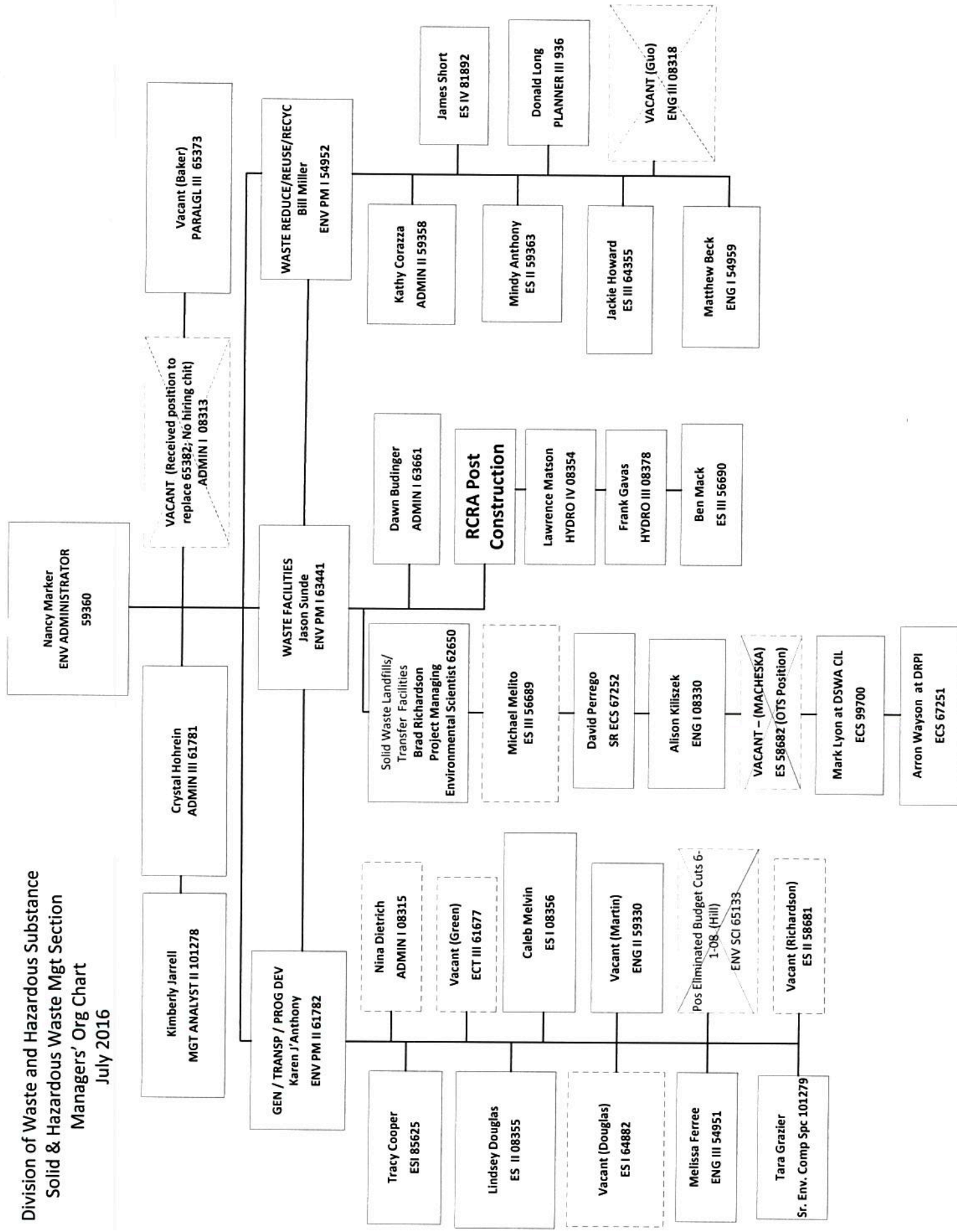


# Attachment 1





Division of Waste and Hazardous Substance  
Solid & Hazardous Waste Mgt Section  
Managers' Org Chart  
July 2016







## Attachment 2





## RCRA NON-NOTIFIER TRACKING FORM

### Part I: Handler Data

*To be completed by the compliance data coordinator.*

<b><u>Date of Assessment:</u></b>		<b>Initials:</b> _____	
____ / ____ / ____			
<b><u>Facility Information:</u></b>			
Handler: _____			
Street Address: _____			
City: _____	State: <u>Delaware</u>	Zip: _____	County: _____
<b><u>Hazardous Waste Indicator:</u></b>			
Does this facility handle hazardous waste?			
<input type="checkbox"/> YES		<input type="checkbox"/> NO	
What generator universe does this handler belong in:			
<input type="checkbox"/> CESQG			
<input type="checkbox"/> SQG			
<input type="checkbox"/> Non-Generator			
<input type="checkbox"/> Out of Business			
<input type="checkbox"/> Never generated hazardous waste			
<b><u>Contact Information:</u></b>			
Contact Name: _____		Telephone No. _____	
Street Address: _____			
City: _____	State: _____	Zip: _____	
<b><u>Supporting Documentation:</u></b>			
<input type="checkbox"/> Assessment Report			

### Part II: EPA I.D. Assigned

*To be completed by the handler data entry staff.*

EPA I.D. Assigned: _____
Date Data Entry Completed: ____ / ____ / ____

### Part III:

*To be completed by the handler data entry staff, if applicable.*

Date Notification Received: ____ / ____ / ____
--

NONNOT2004(TRH)

